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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,341	01/27/2006	Masanori Itoh	OKUDP0158US	1026
51921 7590 05/12/2009 MARK D. SARALINO (PAN) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115				
EXAMINER				
ZHAO, DAQUAN				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/566,341

**Applicant(s)**

ITO ET AL.

**Examiner**

DAQUAN ZHAO

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 1/27/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 7, 8 and 14 are objected to because of the following informalities: it is believed "the non-data area" is the "non-content-data area" as claimed. Appropriate correction to changed the "the non-data area" to the "non-content-data area" is required.
2. Claims 6 and 12 are objected to because of the following informalities: it is believed "minimum 15 area length" in claim 6 or "5 the minimum area length" is the "minimum area length" as claimed because the original recites "minimum area length". Appropriate correction is required.
3. Claim 14 is objected to because of the following informalities: it is believed "...in 5 accordance..." is the "...in accordance with..." because the original claim 14 recites "...in accordance with..." Appropriate correction is required.
4. Claim 8 is objected to because of the following informalities: it is believed "... data 20 from..." is "...data from..." because the original recites "...data from...". Appropriate correction is required.

### ***Priority***

5. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 7/30/2003. It is noted, however, that applicant has not filed a certified copy of the 2003-282589 application as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura et al (US 2004/0,019,681 A1).

For claim 1, Nakamura et al teach a data processor for reading content data from a continuous area on a storage medium and playing back video and/or audio based on the content data, the continuous area including a data area, in which the content data is stored, and a non-content-data area, in which the content data is not stored (e.g. figures 4-5, paragraph 115, the examiner considers the DVD recorder as the claimed data processor, The examiner also consider the data area from a1 to a3 of figure 5 (a) as the claimed continuous area, wherein area from a1 to a2 corresponds to the data area and area from a2 to a3 corresponds to the non-content-data area), the data processor comprising:

a reading control section for giving an instruction to read the content data of a predefined size from the data area and an instruction to start to play back the video and/or the audio based on the content data that has been read out (e.g. paragraph 119, area from a1 to a2 corresponds to the predefined size, the reading of the data has to be

according to an instruction, and the instruction can be initiated from the user by using the remote controller as shown in figure 3);

a head for reading the content data from the data area in accordance with the instruction to read (e.g. paragraphs 115-116, optical pickup 101); and

a buffer memory for accumulating the content data that has been read (e.g. paragraph 115-116, track buffer 103),

wherein the reading control section determines the predefined size by the amount of time it takes to skip the non-content-data area, reads the content data of the predefined size, accumulates the data in the buffer memory, and then gives an instruction to start to play back the content (e.g. paragraph 119 data is accumulated in the track buffer during the reading period from t1 to t2 or a size of the area from a1 to a2).

Claims 7, 8 and 14 are rejected for the same reasons as discussed in claim 1 above.

For claims 2 and 9, Nakamura et al teach reading control section determines the predefined size by a data read rate at which the content data is read (e.g. paragraph 116 and 119 reading rate  $V_a$  is fixed).

For claims 3 and 10, Nakamura et al teach the content data is encoded data representing the video and/or the audio, and wherein the data processor further includes a decoding section for reading the content data of the predefined size from the buffer memory and decoding the content data in accordance with the instructions given by the reading control section (e.g. paragraph 115 and figure 4, decoder 106).

For claims 4, Nakamura et al teaches the minimum area length of the continuous area is determined by a data read rate, which has been defined based on a required data rate to play back the content and on a unit time to perform the playback, and by the size of extra data to be accumulated in the buffer memory, and wherein the size of the extra data is determined by a data size, which has been defined on the longest seek time it takes to reach the next continuous area and a data rate required for playback during the longest seek time, and by the predefined size (e.g. paragraph 119, the data read rate  $V_a$  determines  $B(t_2)$  which is the amount of data accumulated in the track buffer, wherein the data read out from area from  $a_1$ - $a_2$  corresponds to  $B(t_2)$ , the extra data from area  $a_3$  to  $a_4$  can be accumulated in the buffer memory after time  $t_3$ , since Nakamura et al teach "AV data can be continuously reproduced by supplying data stored in the track buffer to the decoder 106 during the period of seeking from  $a_2$  to  $a_3$ , it must defined a minimum area length according to the read rate  $V_a$ , otherwise, the AV data can not be continuously reproduced).

For claim 11 Nakamura et al teaches the minimum area length of the continuous area is determined by a read data size, which has been defined based on a required data rate to play back the content and on a unit time to perform the playback, and by the size of extra data to be accumulated in the buffer memory, and wherein the size of the extra data is determined by a data size, which has been defined on the longest seek time it takes to reach the next continuous area and a data rate 20 required for playback during the longest seek time, and by the predefined size (e.g. paragraph 119, the data read rate  $V_a$  determines  $B(t_2)$  which is the amount of data accumulated in the track

buffer, wherein the data read out from area from a1-a2 corresponds to B(t<sub>2</sub>), the extra data from area a3 to a4 can be accumulated in the buffer memory after time t<sub>3</sub>, since Nakamura et al teach "AV data can be continuously reproduced by supplying data stored in the track buffer to the decoder 106 during the period of seeking from a2 to a3, it must defined a minimum area length according to the read rate V<sub>a</sub>, otherwise, the AV data can not be continuously reproduced).

For claims 5 and 13, Nakamura et al teach the non-content-data area includes at least one of a defective area, of which the area length corresponds to at most a permissible defect rate for the continuous area, and a data area including data other than the content data (e.g. paragraph 120).

For claims 6 and 12, Nakamura et al teaches the continuous area has an area length that is at least equal to the minimum area length (e.g. figure 5, the examiner considers area from a1 to a2 is at least equal to the minimum area length because Nakamura et al teach "AV data can be continuously reproduced by supplying data stored in the track buffer to the decoder 106 during the period of seeking from a2 to a3, it must defined a minimum area length according to the read rate V<sub>a</sub>, otherwise, the AV data can not be continuously reproduced).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/

Examiner, Art Unit 2621

/JAMIE JO VENT ATALA/

Examiner, Art Unit 2621